

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREW MICHAEL ASSUMPCAO,

Plaintiff,

V.

NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
Operations,

Defendant.

CASE NO. 3:17-cv-5857 JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES AND
EXPENSES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Consent to Proceed Before a United States Magistrate Judge, Dkt. 2). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt.15).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt.15), the attorney declaration and time and expense itemizations (Dkt. 15-1, p.3-5), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$8,649.12 and expenses in the amount of \$3.43, shall be awarded to plaintiff pursuant to the EAJA and

1 consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7
2 (2010).

3 It is further ORDERED that costs in the amount of \$9.50 shall be awarded to plaintiff
4 pursuant to 28 U.S.C. § 1920.

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
7 offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
8 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
9 be made payable to Rosemary B. Schurman, based on plaintiff's assignment of these amounts to
10 plaintiff's attorney. If there is an offset, the remainder shall be made payable to plaintiff, based
11 on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4).
12 Any check for EAJA fees shall be mailed to plaintiff's counsel, Rosemary B. Schurman, at 8123
13 NE 115 Way, Kirkland, WA 98034.

14 Dated this 19th day of July, 2018.

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17 J. Richard Creatura
18 United States Magistrate Judge
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